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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-
10725 LBR

Hearing Date: December 20, 2007
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

ORDER

Pending before the Court is the USACM Liquidating Trust's Motion for Summary Judgment Regarding Responses to USACM Trust's First Through Third Omnibus Objections to Claims Asserting a Priority Status ("Motion") [DE 4291]. The Motion requests an order reclassifying that portion of Proof of Claim No. 10725-01739 filed by Larry and Patsy Rieger that seeks priority status as a general unsecured claim. The Court finds that there are material facts in dispute that preclude the entry of summary judgment. Accordingly,

IT IS ORDERED denying the Motion.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

Attorneys for USACM Liquidating Trust

APPROVED:

OFFICE OF THE U.S. TRUSTEE

August B. Landis, Esq.
Scott A. Farrow, Esq.
300 Las Vegas Boulevard, Suite 4300
Las Vegas, NV 89101

Larry Rieger

Patsy Rieger

1 In accordance with Local Rule 9021, the undersigned certifies:

- 2 ☐ The Court waived the requirements of LR 9021.
- 3 ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented
- 4 parties who have appeared at the hearing regarding this matter and/or who filed
- 5 a written objection and each has:
- 6 ☒ approved the form of this order;
- 7 ☐ waived the right to review the order;
- 8 ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- 9 ☐ failed to sign and return this proposed order within five (5) business days
- 10 in accordance with LR 9021(b).
- 11 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented
- 12 parties who appeared at the hearing regarding this matter and/or who filed a
- 13 written objection and all have either approved the form of this order, waived the
- 14 right to review the order, failed to file and serve papers in accordance with LR
- 15 9021(c) and the following have disapproved the form of the order.
- 16 ☐ No opposition was filed and no other party or counsel appeared at the hearing.

14 **LEWIS AND ROCA LLP**

15 By: /s/ RC (#0006593)

16 Susan M. Freeman

17 Rob Charles

18 *Attorneys for USACM Liquidating Trust*

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